



PUBLIC NOTICE

Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

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DA- 07-2098

Before the
Federal Communications Commission
Washington, D.C. 20554

PUBLIC NOTICE

Released: May 18,2007

FEE DECISIONS OF THE MANAGING DIRECTOR AVAILABLE TO THE PUBLIC

The Managing Director is responsible for fee decisions in response to requests for waiver or deferral of fees as well as other pleadings associated with the fee collection process. A public notice of these fee decisions is published in the FCC record.

The decisions are placed in General Docket 86-285 and are available for public inspection. A copy of the decision is also placed in the appropriate docket, if one exists.

The following Managing Director fee decisions are released for public information:

BBG Communications, Inc. - Request for waiver of FY 2004 regulatory fee late payment penalty. **Denied** (April 3,2007) [See FY 2004 Report and Order at 11682, ¶ 70; 47 U.S.C. §159; 47 C.F.R. §1.1157]

Jerry J. Collins KLFF (AM)- Request for refund of application fee. **Granted** (April 16,2007) [See 47C.F.R. §§1.1108 and 1.113(a)]

New AM, Baxter, MN - Request for waiver of FY 2006 regulatory fee. **Granted** (April 3,2007) [See FY 2006 Report and Order at ¶ 50]

PC Landing Corp - Request for deferral and waiver of FY 2006 regulatory fees. **Granted** (April 3,2007) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon. granted, 10 FCC Rcd 12759(1995)]

Radio 1240, LLC KDAN (AM) - Request for waiver of FY 2006 regulatory fee. **Granted** (April 16,2007) [See FY 2006 Report and Order at ¶ 50]

Radio 1340, LLC KBSP (AM) - Request for waiver of FY 2006 regulatory fee. **Granted** (April 16,2007) [See FY 2006 Report and Order at ¶ 50]

Radio 1450, LLC KIFO (AM) - Request for waiver of FY 2006 regulatory fee. **Granted** (April 16,2007) [See FY 2006 Report and Order at ¶ 50]

WestCom Corporation - Request for waiver and refund of FY 2005 late fee penalty. **Denied** (April 24,2007) [See FY 2005 Report and Order at 12274-75, ¶49]

NOTE: ANY QUESTIONS REGARDING THIS REPORT SHOULD BE DIRECTED TO THE REVENUE AND RECEIVABLES OPERATIONS GROUP AT (202) 418-1995.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 16 2007

OFFICE OF
MANAGING DIRECTOR

Ellen Mandell Edmundson, Esq.
Cohn and Marks LLP
1920N Street, N.W.
Suite 300
Washington, D.C. 20036-1622

Re: KLFF(AM), Arroyo Grande, CA
Request for Refund of Application Filing Fee
Fee Control No. 06010238350542001

Dear Ms. Edmundson:

This letter responds to **your** request dated December 14, 2006 (Request), submitted on behalf of Jerry J. Collins, licensee of station KLFF(AM), for a refund of the \$120.00 application fee associated with an application to assign the KLFF license to The Collins Family Trust, Jerry J. Collins, and Catherine J. Collins **as** Trustors and Trustees. Our records reflect that you paid the \$120.00 filing fee. For the **reasons** set forth below, we grant your request.

You recite that “the parties initially sought FCC consent to the proposed license assignment on *pro forma* basis, by filing an FCC Form 316 ‘short-form’ application on October 13, 2006 [, along with] a \$120.00 application filing fee[.]” You state that “[o]n October 18, 2006, pursuant to **an** informal discussion with staff of the Media Bureau, counsel filed a request to withdraw the Form 316 *pro forma* assignment application” and filed an FCC Form 314 “long-form” assignment application to replace the *pro forma* application, along with **an** \$895.00 application fee.²

The Commission has discretion to waive filing fees **upon** a showing of good cause and a finding that the public interest will be served thereby.³ We construe our waiver authority under section 8 of the Communications Act, 47 U.S.C. §158(d)(2), narrowly and will

¹ Request at 1.

² Id.

³ See 47 U.S.C. §158(d)(2); 47 C.F.R. §1.1117(a); Establishment **of** a Fee Collection Program **to** Implement the Provisions **of** the Consolidated Omnibus Budget Reconciliation Act **of** 1985, 5 FCC Rcd 3558, 3572-73 (1990).

grant waivers on a case-by-case basis to specific applicants upon a showing of "extraordinary and compelling circumstances."⁴

In view of the circumstances recited above, including the facts that the initial pro forma application was withdrawn only five days after it was filed and a long-form application was filed along with an additional filing fee of \$895.00, we find that the \$120.00 fee paid with the original application was effectively an "overpayment" under section 1.1113 of the Commission's rules, 47 C.F.R. §1.1113. We therefore conclude that a refund of the original application filing fee is appropriate? We therefore grant your request for a refund of the \$120.00 filing fees associated with the October 13, 2006, pro forma assignment application.

A check, made payable to the maker of the original check, and drawn in the amount of \$120.00, will be sent to you at the earliest practicable time. If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens
Chief Financial Officer

⁴ See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd 947,958 (1987); Sirius Satellite Radio, Inc., 18 FCC Rcd 12551 (2003).

⁵ See 47 C.F.R. §§1.1108 and 1.1113(a).

06010238350542001

TO WHOM IT MAY CONCERN
ENTL# 8304

RECEIVED - FCC

DEC 14 2006

Federal Communication Commission
Bureau / Office

Received & Inspected

DEC 15 2006

FCC Mail Room

LAW OFFICES

COHN AND MARKS LLP

1920 N STREET NW, SUITE 300
WASHINGTON, D C. 20036-1622

TO:

Anthony Dale
Federal Communications Commission
Office of the Managing Director
445 12th Street, S.W.
Washington, DC 20554

NO TRAVEL TRACKING
CNTR. 8302

LAW OFFICES

COHN AND MARKS LLP

ROBERT B. JACOBI
ROY R. RUSSO
RONALD A. SIEGEL
LAWRENCE N. COHN
RICHARD A. HELMICK
J. BRIAN DE BOICE
JEROLD L. JACOBS
SUSAN V. SACHS

**SUITE 300
1920 N STREET N.W.
WASHINGTON, D.C. 20036-1622**

TELEPHONE (202) 293 3860

FACSIMILE (202) 297 4827

HOMEPAGE WWW.COHNMARKS.COM

OF COUNSEL
MARCUS COHN (1913 2001)
LEONARD H. MARKS 11916-20061
JOEL H. LEVY
ELLEN MANDELL EDMUNDSON

DIRECT DIAL
EMAIL ADDRESS

202-452-4825
ellen.edmundson@cohnmarks.com

December 14, 2006

VIA HAND DELIVERY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington D.C. 20554

**Re: KLFF(AM), Arroyo Grande, CA (Fac. ID # 87729)
Request for Refund of Application Filing Fee
FCC File No. BAL-20061013AEF**

Dear Ms. Dortch

This is submitted on behalf of Jerry J. Collins (FRN 0004-9892-OS), licensee of AM radio station KLFF, Arroyo Grande, California, to request a refund of the \$120 application filing fee paid in connection with the above-referenced application for consent to assign the KLFF license to THE COLLINS FAMILY TRUST dated September 7, 2006, JERRY J. COLLINS and CATHERINE J. COLLINS as Trustors and Trustees ("the Trust").

The Commission's records will reflect that the parties initially sought FCC consent to the proposed license assignment on a pro forma basis, by filing an FCC Form 316 "short-form" application on October 13, 2006. In connection with the Form 316 pro forma assignment application, a \$120 application filing fee was paid (*see* Attachment A hereto).

On October 18, 2006, pursuant to an informal discussion with staff of the Media Bureau, counsel filed a request to withdraw the Form 316 pro forma assignment application (copy attached hereto as Attachment B), and a "long-form" application on FCC Form 314 was filed for consent to the same transaction, to replace the Form 316 pro forma assignment application being contemporaneously withdrawn. An application filing fee of \$895 was filed in connection with the Form 314 long-form assignment application (*see* Attachment C hereto).

Federal Communications Commission
December 14, 2006
Page 2

By the instant submission, a refund of the \$120 application filing fee paid for the withdrawn Form 316 *pro forma* application is respectfully requested.

Kindly direct any communications with respect to this matter to undersigned counsel.

Sincerely

A handwritten signature in cursive script, reading "Ellen Mandell Edmundson".

Ellen Mandell Edmundson

Attachment

cc: Mr. Anthony Dale*
Ms. **Marva** Dyson*
Jerry J. Collins

*by hand

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 3 2007

OFFICE OF
MANAGING DIRECTOR

Dan J. Alpert
Counsel for NEW AM
The Law Office of Dan J. Alpert
2120 North 21st Road
Arlington, VA 22201

Re: Request for Waiver of FY 2006
Regulatory Fee
NEW AM, Baxter, MN
Fee Control No. **RROG-07-00008245**


Dear Mr. Alpert:

This is in response to your letter dated December 15, 2006 (Letter), on behalf of NEW AM, Baxter, Minnesota (Station), requesting waiver of the fiscal year (FY) 2006 regulatory fee. Our records indicate that the Station has paid no regulatory fee for FY 2006. As set forth below, your request is granted insofar as we find that no FY 2006 regulatory fee is due for the Station.

You assert that no FY 2006 regulatory fee is due because the construction permit for the Station was issued on January 25, 2006, which is after the October 1, 2005 cut-off date.¹ Our records reflect that the Media Bureau issued a construction permit for the Station after October 1, 2005. Because the construction permit for the Station was issued after October 1, 2005, the beginning of the 2006 fiscal year, no FY 2006 regulatory fee is due.²

If you have any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,


Mark A. Stephens
Chief Financial Officer

¹ Lener (citing *Assessment and Collection of Regulatory Fees for Fiscal Year 2006*, 21 FCC Rcd 8092, ¶ 50 (2006) (FY 2006 Report and Order))

² See FY 2006 Report and Order at ¶ 50 ("Regulatory fees must be paid for AM/FM radio station . . . initial construction permits that were issued on or before October 1, 2005 . . ."); see also *Regulatory Fees Fact Sheet* at 1 ("Who Must Pay: . . . holders of construction permits for new AM and FM stations . . . provided that such . . . permits were granted on or before October 1, 2005."); 47 C.F.R. § 1.1153.

FO NUMBER TRACKING
GNTLB 8243

The Law Office of

Dan J. Alpert

2120 N. 21st Rd.
Arlington, VA 22201
DJA@COMMLAW.TV

(703) 243-8690

(703) 243-8692 (FAX)

December 15, 2006

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
445 12th St. S.W.,
Washington, DC 20554

**Re: 2006 Annual Regulatory Fee
NEW AM
File No. BNP-20020508AAN
Baxter, MN
Facility No. 136921**

Dear Mr. Fishel:

This letter supersedes the previous letter filed requesting a refund of the Annual Regulatory Fee. Edward De La Hunt, Sr., by his attorney, hereby waives of his 2006 **Annual** Regulatory Fee. In support thereof, the following is stated.

In the Report and Order and Order issued with respect to Fiscal Year 2006 Regulatory Fees, FCC 06-102 (July 17, 2006), the FCC stated that:

Regulatory fees must be paid for AM/FM radio station and VHF/UHF television station initial construction permits that were issued on or before October 1, **2005**, and for **all** broadcast facility licenses granted on or before October **1, 2005**.

Id. at para. 50.

As reflected by the attached, the construction permit for the above-referenced station was issued on January 25, 2006, which is after the October 1, 2005 cut-off date. Therefore, no fee was due, and a waiver of the fee is appropriate.

WHEREFORE, it respectfully is requested that this request be granted.

Very truly yours,

Dan J. Alpert

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 3 2007

Adama

OFFICE OF
MANAGING DIRECTOR

Martin L. Stem, Esq.
Megan H. Troy, Esq.
Preston Gates Ellis & Rouvelas Meeds, LLP
1735 New York Ave., N.W., Suite 500
Washington, D.C. 20006-5209

Re: PC Landing Corp.
FY 2006 Regulatory Fees
Fee Control No. RROG-06-00007814

Dear Counsel:

This letter responds to your request dated September 15, 2006 (*Request*) submitted on behalf of PC Landing Corp. (PC Landing), for a deferral and waiver of the \$394,519.00 fiscal year (FY) 2006 regulatory fees. Our records reflect that PC Landing has not paid the FY 2006 regulatory fees. For the reasons stated herein, we grant your request.

In your request, you recite that PC Landing, a wholly-owned subsidiary of Pacific Crossing Ltd., is the cable landing licensee for the Pacific Crossing submarine cable system (PC-1).¹ You state that on July 19, 2002, PC Landing and certain of its affiliates (collectively, PCL Debtors) filed voluntary petitions for Chapter 11 bankruptcy reorganization in the United States Bankruptcy Court in Delaware (Bankruptcy Court).² In connection with PC Landing's earlier requests for relief from application fees filed with the Commission on August 7, 2002, you provided the Commission with a copy of the petition for bankruptcy that PC Landing filed with the Bankruptcy Court. You state that PCL Debtors filed with the Bankruptcy Court a proposed plan of reorganization, as amended (the Plan), which was confirmed by the Bankruptcy Court on November 10, 2005.³ You state that "[o]n December 30, 2005, the Plan was consummated and the PCL Debtors emerged from bankruptcy as a stand alone, independent telecommunications company, with Pacific Crossing Limited as the corporate parent." You assert that PC Landing's "status as a chapter 11 debtor-in-possession [on October 1, 2005, the first day

¹ *Request* at I.

² *Id.*

³ *Id.*

⁴ *Id.* at 1-2; *see also id.* at 2, n.2 ("Each of the principal subsidiaries of [pre-bankruptcy Pacific Crossing Ltd.] . . ., including PC Landing Corp., which had been debtor-in-possession estates under U.S. bankruptcy, emerged from chapter 11 as reorganized subsidiary companies of [post-bankruptcy] Pacific Crossing Limited.").

of FY 2006] . . . should in and of itself provide evidence of financial hardship sufficient to warrant grant of the **waiver**.”⁵

You also claim that after emerging from bankruptcy, Pacific **Crossing** Limited and its subsidiaries, including PC Landing (PCL Group), “have **no** source of liquidity beyond funds that exited on the bankruptcy exit date and cash from operations.”⁶ **You** contend that as a result of “legacy bankruptcy issues and continued restructuring initiatives, Pacific Crossing Limited has continued to experience a degradation in its cash position in 2006.”⁷ **As part** of a supplemental filing, you submit a document entitled “PC Landing Corp. Financial Statements for the Three Quarters Ended September 30, 2006” (*Statement of Income*).⁸ You state that the PCL Group “retained CXO, L.L.C. (CXO), a turn-around and crisis manager, to perform all of the management and executive functions at the PCL Group.” You recite that “[u]pon emergence [from bankruptcy] on December **31, 2005**, and through the end of the period relevant to the instant application, September **30, 2006**, [the PCL Group compensated] CXO” on a monthly basis.”” You state that the *Statement of Income* “reflect[s] an allocation of these expenses under General and Administrative.”” In a subsequent communication, you **clarify** that approximately 20 percent of the monthly fees paid to CXO to manage and operate the

⁵ *Id.* at 2; citing *Assessment and Collection of Regulatory Fees for Fiscal Year 2006*, 21 FCC Red 8092, para. 19 and fn. 14 (2006).

⁶ *Id.*

⁷ *Id.* at 3.

⁸ See Email from Marty Stem to Joanne Wall (Feb. 17, 2007) (*February 17 Email*).

⁹ *February 17 Email*, Statement Regarding Executive Compensation at 1 (*Compensation Statement*); see also *id.* (“CXO was initially retained under bankruptcy court approved arrangements in 2002 and managed the businesses continuously through bankruptcy exit in December 2005.”).

¹⁰ *Id.* at 2

¹¹ *Id.* at 2, n.1; see also Email from Marty Stem to Joanne Wall (Feb. 21, 2007) (the *Statement of Income* “reflect[s] an allocation of the expenses incurred in connection with the operation and management of the business, including an allocation of the monthly fee paid to CXO in connection with its management activities.”); see also *February 17 Email*, *Compensation Statement* at 2, n.2 (during the fourth quarter of calendar year 2006, a period that is not reflected on the *Compensation Statement* and that is “not relevant to the period that is the subject of the waiver, the owners of [the PCL Group] . . . determined to phase-out CXO’s management of the company in favor of [a] long-term, permanent management team.”).

PCL Group is “allocated to the PC Landing . . . General and Administrative expense category [on the *Statement of Income*].”¹²

The Commission has determined that it will waive regulatory fees for licensees who are bankrupt or are in receivership at the time the fees are due.¹³ In addition, in establishing the regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. The Commission therefore decided to grant waivers or reductions of its regulatory fees in those instances where a “petitioner presents a compelling case of financial hardship.”¹⁴ In reviewing a showing of financial hardship, the Commission relies upon a licensee’s cash flow, as opposed to the entity’s profits, and considers whether the station lacks sufficient funds to pay the regulatory fee and maintain service to the public. Thus, even if a station loses money, any funds paid to principals, deductions for depreciation or similar items are considered funds available to pay the fees.

Because PC Landing emerged from bankruptcy on December 30, 2005, and was not in bankruptcy on the date that the FY 2006 regulatory fees were due, *i.e.*, September 19, 2006, we deny your request for waiver of the regulatory fees on the grounds of bankruptcy. Our review, however, of the *Statement of Income* indicates that PC Landing suffered a financial loss in the first three quarters of the 2006 calendar year, which was only partially offset by depreciation and amortization and expenses attributable to the management and operation of PC Landing by CXO. Given that PC Landing suffered a financial loss in the first three quarters of calendar year 2006, we grant your request for a waiver of the regulatory fee for FY 2006.¹⁵

You have also requested confidential treatment of the material that you submitted with your request for fee relief. Pursuant to section 0.459(d)(1) of the Commission’s rules, 47 C.F.R. §0.459(d)(1), we do not routinely rule on requests for confidential treatment until we receive a request for access to the records. The records are treated confidentially in the meantime. If a request for access to the information submitted in conjunction with your regulatory fees is received, you will be notified and afforded the opportunity to respond at that time.

¹² See Email from Marty Stem to Joanne Wall (Feb. 23, 2007)

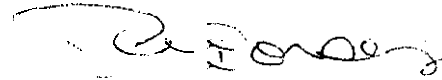
¹³ See *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (1995).

¹⁴ See *Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *recon. granted*, 10 FCC Rcd 12759 (1995).

¹⁵ By this letter, we also grant your request for a deferral of payment while the waiver request is pending.

If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Stephens", written over a horizontal line.

Mark A. Stephens
Chief Financial Officer

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 16 2007

OFFICE OF
MANAGING DIRECTOR

Dan J. Alpert
Counsel for Radio 1240, LLC
The Law Office of Dan J. Alpert
2120 North 21st Road
Arlington, VA 22201

Re: Request for Waiver of FY 2006
Regulatory Fee
KDAN (AM)
Fee Control No. RROG-07-00008247

Dear Mr. Alpert:

This is in response to your letter filed December 22, 2006 (Letter), on behalf of KDAN(AM) (Station), requesting waiver of the fiscal year (FY) 2006 regulatory fee. Our records indicate that the Station has paid no regulatory fee for FY 2006. As set forth below, your request is granted insofar as we find that no FY 2006 regulatory fee is due for the Station.

You assert that no FY 2006 regulatory fee is due because the construction permit for the Station was issued on February 17, 2006, which is after the October 1, 2005 cut-off date.¹ Our records reflect that the Media Bureau issued a construction permit for the Station after October 1, 2005. Because the construction permit for the Station was issued after October 1, 2005, the beginning of the 2006 fiscal year, no FY 2006 regulatory fee is due.

If you have any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



 Mark Stephens
Chief Financial Officer

¹ Letter (citing Assessment and Collection of Regulatory Fees for Fiscal Year 2006, 21 FCC Rcd 8092, ¶ 50 (2006) (FY 2006 Report and Order))

² See FY 2006 Report and Order at ¶ 50 ("Regulatory fees must be paid for AM/FM radio station. . . initial construction permits that were issued on or before October 1, 2005 . . ."); see also Regulatory Fees Fact Sheet at 1 ("Who Must Pay: . . . holders of construction permits for new AM and FM stations . . . provided that such . . . permits were granted on or before October 1, 2005."); 47 C.F.R. § 1.1153.

The Law Office of
Dan J. Alpert

2120 N. 21st Rd.
Arlington, VA 22201
DJA@COMMLAW.TV

(703) 243-8690

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CNTL# 8247

RR06-07-00008247

(703) 243-8692 (FAX)

December 15, 2006

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DEC 22 2006

Federal Communications Commission
Bureau / Office

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
445 12th St. S.W..
Washington, DC 20554

✓ **Re: 2006 Annual Regulatory Fee
Station KDAN(AM)
Facility No. 161165**

Dear Mr. Fishel:

This letter supersedes the previous letter requesting a refund of the Annual Regulatory Fee. Radio 1240, LLC, by its attorney, hereby requests waiver of its 2006 Annual Regulatory Fee. In support thereof, the following is stated.

In the Report and Order and Order issued with respect to Fiscal Year 2006 Regulatory Fees, FCC 06-102 (July 17, 2006), the FCC stated that:

Regulatory fees must be paid for AM/FM radio station and VHF/UHF television station initial construction permits that were issued on or before October 1, 2005, and for all broadcast facility licenses granted on or before October 1, 2005.

Id. at para. 50.

As reflected by the attached, the construction permit for KDAN was issued on February 17, 2006, which is after the October 1, 2005 cut-off date. Therefore, no fee was due, and a waiver of the fee is appropriate.

WHEREFORE, it respectfully is requested that this request be granted.

Very truly yours,


Dan J. Alpert
D.J. Alpert

Counsel for Radio 1240, LLC

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 16 2007

OFFICE OF
MANAGING DIRECTOR

Dan J. Alpert
Counsel for Radio 1340, LLC
The Law Office of Dan J. Alpert
2120 North 21st Road
Arlington, VA 22201

Re: Request for Waiver of FY 2006
Regulatory Fee
KBSP(AM)
Fee Control No. RROG-07-00008249

Dear Mr. Alpert:

This is in response to your letter filed December 22, 2006 (Letter), on behalf of **KBSP(AM) (Station)**, requesting waiver of the fiscal year (FY) 2006 regulatory fee. Our records indicate that the Station has paid no regulatory fee for FY 2006. As set forth below, your request is granted insofar as we find that no FY 2006 regulatory fee is due for the Station.

You assert that no FY 2006 regulatory fee is due because the construction permit for the Station was issued on December 21, 2005, which is after the October 1, 2005 cut-off date.¹ Our records reflect that the Media Bureau issued a construction permit for the Station after October 1, 2005. Because the construction permit for the Station was issued after October 1, 2005, the beginning of the 2006 fiscal year, no FY 2006 regulatory fee is due?

If you have any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,


(Mark Stephens

Chief Financial Officer

¹ Letter (citing *Assessment and Collection of Regulatory Fees for Fiscal Year 2006*, 21 FCC Rcd 8092, ¶ 90 (2006) (FY 2006 Report and Order))

² See FY 2006 Report and Order at ¶ 50 ("Regulatory fees must be paid for AM/FM radio station . . . initial construction permits that were issued on or before October 1, 2005 . . ."); see also *Regulatory Fees Fact Sheet* at 1 ("Who Must Pay: . . . holders of construction permits for new AM and FM stations . . . provided that such . . . permits were granted on or before October 1, 2005."); 47 C.F.R. §1.1153.

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RR06-07-00008249

The Law Office of
Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA 22201
DJA@COMMLAW.TV

(703) 243-8690

(703) 243-8692 (FAX)

December 15, 2006

RECEIVED - FCC

DEC 22 2006

Federal Communications Commission
Bureau / Office

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
445 12th St. S.W..
Washington, DC 20554

✓Re: 2006 Annual Regulatory Fee
Station KBSP(AM)
Facility No. 160321

Dear Mr. Fishel:

This letter supersedes the previous letter requesting a refund of the Annual Regulatory Fee. Radio 1340, LLC, by its attorney, hereby requests waiver of its 2006 Annual Regulatory Fee. In support thereof, the following is stated.

In the Report and Order and Order issued with respect to Fiscal Year 2006 Regulatory Fees, FCC 06-102 (July 17, 2006), the FCC stated that:

- Regulatory fees must be paid for AM/FM radio station and VHF/UHF television station initial construction permits that were issued on or before October 1, 2005, and for all broadcast facility licenses granted on or before October 1, 2005.

Id. at para. 50.

As reflected by the attached, the construction permit for KBSP was issued on December 21, 2005, which is after the October 1, 2005 cut-off date. Therefore, no fee was due, and a waiver of the fee is appropriate.

WHEREFORE, it respectfully is requested that this request be granted.

Very truly yours,

Dan J. Alpert

Counsel for Radio 1340, LLC

Re: Request for Waiver of FY 2006
Regulatory Fee
KIFO(AM)

17-00008242

Dear Mr. Alpert:

This is in response to your letter filed December 22, 2006 (Letter), on behalf of KIFO(AM) (Station), requesting waiver of the fiscal year (FY) 2006 regulatory fee. Our records indicate that the Station has paid no regulatory fee for FY 2006. As set forth below, your request is granted insofar as we find that no FY 2006 regulatory fee is due for the Station.

You assert that no FY 2006 regulatory fee is due because the construction permit for the Station was issued on December 22, 2005, which is after the October 1, 2005 cut-off date.¹ Our records reflect that the Media Bureau issued a construction permit for the Station after October 1, 2005. Because the construction permit for the Station was issued after October 1, 2005, the beginning of the 2006 fiscal year, no FY 2006 regulatory fee is due.²

If you have any questions concerning this matter, please call the Revenue Operations Group at (202) 418-1995.

Sincerely,


Mark Stephens
Chief Financial Officer

¹ Letter (citing *Assessment and Collection of Regulatory Fees for Fiscal Year 2006*, 21 FCC Rcd 8092, ¶ 50 (2006) (FY 2006 Report and Order))

² See FY 2006 Report and Order at ¶ 50 ("Regulatory fees must be paid for AM/FM radio station . . . initial construction permits that were issued on or before October 1, 2005 . . ."); see also *Regulatory Fees Fact Sheet* at 1 ("Who Must Pay: . . . holders of construction permits for new AM and FM stations . . . provided that such . . . permits were granted on or before October 1, 2005"); 47 C.F.R. § 1.1153.

SN'L# 8242

The Law Office of

Dan J. Alpert

2120 N. 21st Rd.
Arlington, VA 22201
DJA@COMMLAW.TV

RROG-07-00008242

(703) 243-8690

(703) 243-8692 (FAX)

September 19, 2006

RECEIVED - FCC

Mr. **Andrew S. Fishel**
Managing Director
Federal Communications Commission
445 12th St. S.W..
Washington, DC 20554

DEC 22 2006

Federal Communications Commission
Bureau / Office

Re: 2006 Annual Regulatory Fee
Station KIFO(AM)
Facility No. 160322

Dear Mr. Fishel:

This letter supersedes the previous letter requesting a refund of the **Annual** Regulatory Fee. Radio **1450, LLC**, by its attorney, hereby requests **waiver** of its 2006 Annual Regulatory Fee. In support thereof, the following is stated.

In the Report and Order and Order issued with respect to Fiscal ~~Year~~ 2006 Regulatory Fees, FCC **06-102 (July 17, 2006)**, the FCC stated that:

Regulatory fees **must** be paid for AM/FM radio station and VHF/UHF television station initial construction permits that **were** issued on or before October **1, 2005**, and for all broadcast facility licenses granted on **or before** October **1, 2005**.

Id. at para. 50.

As reflected **by** the attached, the construction permit for KIFO was issued on December **22, 2005**, which is **after** the October 1, 2005 cut-off date. Therefore, **no** fee was due, a **waiver** of the fee is appropriate.

WHEREFORE, it respectfully is requested that this request be granted.

Very truly yours,


Dan J. Alpert

Counsel for Radio 1450, LLC

FEDERAL COMMUNICATIONS COMMISSION

Washington, D C 20554

APR 24 2007

OFFICE OF
MANAGING DIRECTOR

Leo Whitt
Chief Financial Officer
WestCom Corporation
162 Fifth Avenue
New York, **NY** 10010

Re: Request for Waiver of Late Payment Penalty
For Fiscal Year 2005 Regulatory Fee
Fee Control No. 0601208365728001
Bill No. 05RE007612

Dear Mr. Whitt:

This is in response to your request filed on behalf of WestCom Corporation (WestCom) **for** waiver and refund of the late payment penalty associated with its fiscal year (FY) 2005 regulatory fee.¹ Our records reflect that on January 20, 2006, subsequent to the September 7, 2005 regulatory fee deadline, we received payment **of** WestCom's **\$154,139.95** regulatory fee and its \$38,534.99 late payment penalty, for a total of \$192,674.94. **As** indicated below, your request is denied.

In support of your request, **you** assert that a series of events, including sale of WestCom to a group of investors, several organizational changes including a number of acquisitions, and the departure of the former CFO, created a lack of transition that resulted in your failure to make timely payment of WestCom's FY 2005 regulatory fee.³ **You** state that **your** year end audit and internal review revealed that your regulatory fee payment had not been made. You add that you have corrected the notification process by filing **an** appropriate Form 161 (CORES Update and Change Form) to help insure that your filings are not late in the future. You request that, in light of these circumstances, your penalty be refunded or credited to your next annual regulatory fee payment!

¹ Waiver Request from Leo Whitt, Chief Financial Officer, WestCom Corporation, dated Jan. 20, 2006 (Request) at 1.

² *Public Notice, Payment Methods and Procedures for Fiscal Year 2005 Regulatory Fees*, 20 FCC Rcd 12561 (2005); *Public Notice, Fee Filer Now Available for 2005 Regulatory Fees*, 20 FCC Rcd 23325 (2005) (including centered, bold printed statement "Due Date for Paying Regulatory Fees is September 7, 2005").

³ Request at 1.

⁴ *Id.*

The Commission's rules are clear that regulatees and licensees such as WestCom are required to pay to the Commission an annual regulatory fee in a timely manner.⁵ It is the obligation of the regulatees and licensees responsible for regulatory fee payments to ensure the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year.⁶ Your request does not indicate or substantiate compliance with this obligation.⁷ As a Commission licensee or regulatee, WestCom is charged with the responsibility to familiarize itself with the Commission's rules and requirements. The Commission has repeatedly held that "[l]icensees are expected to know and comply with the Commission's rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances." *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), citing *Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970). Furthermore, the Communications Act of 1934, as amended, requires the Commission to assess a late payment penalty of 25 percent on **any** regulatory fee not paid in a timely manner.'

⁵ *Assessment and Collection of Regulatory Fees for Fiscal Year 2005*, Report and Order, 20 FCC Rcd 12259, 12274-75, ¶ 49 (2005) (*FY 2005 Report and Order*); 47 U.S.C. § 159(c); 47 C.F.R. § 1.1164.

⁶ *FY 2005 Report and Order* 20 FCC Rcd at 12274-75, 749. With regard to WestCom's assertion that it filed a new Form 161 to assure receipt of future notifications, we bring to its attention that since FY 2003, the Commission has used its website rather than surface mail to disseminate regulatory fee public notices to inform all those required to pay regulatory fees the date the fees are due. *Assessment and Collection of Regulatory Fees for Fiscal Year 2003*, Report and Order, 18 FCC Rcd 15985, 15991, ¶¶ 17-19 (2003); *Assessment and Collection of Regulatory Fees for Fiscal Year 2004*, Report and Order, 19 FCC Rcd 11662, 11673, ¶¶ 33-34 (2004). In the *FY 2005 Report and Order*, the Commission stated that it would generate public notices and fact sheets to notify all those required to pay FY 2005 regulatory fees of the fee payment due date and would make available this and other relevant fee payment information on its website. *FY 2005 Report and Order*, 20 FCC Rcd at 12268, 727. Accordingly, the Commission informed its regulatees and licensees of the FY 2005 due dates, amounts of the fees, and payment methods in public notices and on its web site, www.fcc.gov. See note 2, *supra*.

⁷ Moreover, insofar as you rely on the organizational changes which commenced with the sale of WestCom in December 2004 to explain the late payment, we note that this event preceded the FY 2005 fee due date by nearly nine months. Thus there should have been more than sufficient time in which to adjust to the corporate changes in order to make a timely payment of the regulatory fees mandated by the Communications Act.

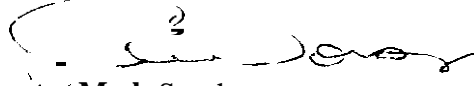
⁸ 47 U.S.C. § 159(c).

Leo Whitt, Chief Financial Officer

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Since WestCom did not meet its obligation to file its regulatory fee to be timely received by the Commission by September 7, 2005, the last date for payment of *FY* 2005 fees,⁹ we deny your request for waiver of the penalty for late payment of its FY 2005 regulatory fee. If you have any questions concerning this matter please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens
Chief Financial Officer

⁹ See note 2, *supra*.

WESTCOM
DEDICATED PRIVATE LINES

January 20th, 2006

FO WAIVER REQUESTING
CNTLA 7682

0601208365728001

Mrs. Evelyn Jordan
Federal Communications Commission
Washington D.C. 20554
Fax # 202-418-7869

Mrs Jordan;

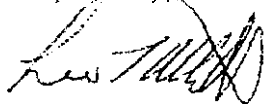
As discussed in our recent conversation, please find enclosed our recent remittance for \$192,674.99 for our annual regulatory fee based on the submission of our most recent 499-A. This payment has been executed as described in the attached documentation.

As we have discussed, the total payment due includes a penalty for late filing of \$38,534.99 for which we respectfully request that this penalty be abated given the circumstances creating this late filing. On December 17th of 2004, WestCom was sold to a group of investors and the following months included several organizational changes that included a number of acquisitions as well as the departure of the former CFO, Steven Gould. The series of events leading up to the separation of the former CFO from the Company, along with these transactions, created a lack of transition that resulted in us not recognizing our failure to make this payment in a timely fashion. As part of our year end audit and internal review, we realized that this payment was not made and that resulted in my call to you on January 18th. We have now corrected the notification process by filing an appropriate Form 161 which will help us insure that we are not late again with our filings.

Given these circumstances, we respectfully request that the penalty of \$38,534.99 included in this payment be refunded or credited to us on our next annual regulatory fee filing. Please feel free to contact me at 212-258-5568 if you have any questions concerning this request or need my additional information.

Thank you for your assistance and consideration in this matter.

Respectfully,



Leo Whitt
Chief Financial Officer
Westcom Corporation

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WestCom Corporation: 162 Fifth Avenue • New York, NY 10010 • (212) 566-7500 Fax: (212) 586-2666
www.westcom.com

Chicago

Houston

San Francisco

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